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ambda Letters Project 32606

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February, 1999

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Does Davis Support the Queer Community?

Incoming Governor Davis announced recently that he is reversing two key policies set by former Governor Wilson. He said that he would support the provision of domestic partner health benefits for state employees. He also said that he will no longer require the State Department of Social Services to routinely recommend against adoption of children by same-gender couples. (In these adoption cases the courts always made the final decision and could disregard the Department's recommendation.)

However, Governor Davis has not sided with the queer community on all issues. In the past he has said he opposes the recognition of same-gender marriages and, in recent remarks to the Sacramento Press Club, he said that he is not ready to state his position on the Knight initiative that will be on the ballot in March. 2000. This initiative, if passed, would attempt to ban the recognition of same-gender marriages in California, even if those marriages had been legally entered into in another state.

This is an interesting time and we will just have to wait and see what changes in public policy may unfold. We will keep you informed.

Also in This Issue:

Pentagon Still Pursuing

Recently the Pentagon released a report of the number of lesbian, gay, and bisexual service members discharged because of their sexual orientation during the fiscal year 1998.

The report was not good. A record 1,145 service members were discharged orientation. This represents a 92 percent increase in such discharges since 1994, when the "Don't Ask, Don't Tell, Don't Pursue" policy was implemented. It is also the largest number of gay discharges in more than a decade. Discharges by the Air Force alone soared to 414 in 1998, the highest for that service in over two decades.

The Pentagon has taken no action to improve the implementation of its own policy, particularly the "don't pursue" part of the policy. In April, 1998, the Pentagon issued a set of recommendations for improving the policy, but none of them have been implemented. As a result the military services are still actively pursuing lesbians, gays, and bisexuals in the military, a direct violation of their own policy.

It is particularly ironic that the military services continue discharging highly qualified queer service members while complaining that they are unable to recruit enough people to fill their ranks.

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Lambda Letters Progress Report

Messages Collected

November, 1998 2,489 letters & e-mails In all of 1998 120,454 letters & e-mails

Dollars Spent

November, 1998 \$2,873 In all of 1998 \$16,372

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Lambda Letters Project

Statement of Purpose

To promote people of color, feminist, lesbian, gay, bisexual, transgender, and HIV/AIDS status advocacy, and to bring people of color, women, lesbians, gays, bisexuals, transgendered persons, and persons affected by or living with HIV/AIDS into full participation in the mainstream of Americansociety now, exercising all the privileges and responsibilities thereof.

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Governor Asked to Restore Funding Cuts

by Randy Allgaier, San Francisco AIDS Foundation

California AIDS advocates reacted strongly to Governor Gray Davis' first state budget, calling a proposed reduction in overall state funding for HIV/AIDS care and treatment services shortsighted, given the continued growth in the number of Californians living with HIV/AIDS. Davis' budget for FY 1999–2000 recommends a \$4.1 million decrease in state funding for HIV care and treatment services, effective July 1st.

Governor Davis

Because of slower growth in expenditures for California's AIDS Drug Assistance Program (ADAP), as well as higher than expected federal funding next year, the governor's budget recommends a \$4.1 million reduction in the state portion of ADAP's funding. However, the overall ADAP budget (which is composed of state and federal funding, as well as rebate money from pharmaceutical compa-

nies) is still projected to increase by \$14.6 million over the current year. The governor's proposed funding for ADAP will maintain broad access to all Californians who are eligible for the program.

However, rather than eliminating altogether this \$4.1 million in state funding for AIDS, advocates are urging Governor Davis to reallocate unused ADAP funds to other critical HIV/AIDS programs, such as early intervention, prevention, and housing. Although

Continued on page 9

Family Care and Medical Leave for All

by Carolynn Race, Los Angeles Gay and Lesbian Center

Senator Tom Hayden (D–Los Angeles) has a long history of supporting LGBT issues. This year, he's at it again: sponsoring S.B. 118, a bill that would expand family care and medical leave to those currently excluded, including siblings and domestic partners. As you may know, lesbian, gay, bisexual, and transgen-

dered Californians are
denied the legal right to take
unpaid leave to care for
their life partners, a right
guaranteed to heterosexual
couples. This unfair situation contradicts the intent
of the law—granting
valuable employees leave
without pay while they
tend to family medical
crises.



Tom Hayden

S.B. 118 is important to LGBT families and to

heterosexual domestic partners who are not covered by the existing family leave law. S.B. 118 will ensure that Californians can care for their families in times of emergency, without the fear of losing their jobs. Keeping trained, dedicated employees in the work force helps the California economy by reducing personnel turnover and increasing worker satisfaction.

Please act now and write to members of the Senate Industrial Relations Committee. Tell them to support S.B. 118. California has a chance now, with a friendly legislator and governor, to support *all* families.



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Domestic Abuse, the Continuing Problem

by Boyce Hinman

Domestic abuse remains a serious and growing problem. Most often the victims are women in a heterosexual relationship, but sometimes they are the men in those relationships. Increasingly it is becoming clear that domestic abuse also occurs in lesbian, gay, and bisexualhouseholds.

One of the best things a victim of persistent spousal abuse can do is to move out of the home in which the abuse is occurring. However, the abuser often follows the victim and continues the abuse. In that case, a restraining order is needed to prevent the abuser from approaching the victim at work or at the new home to which he or she has moved.

To get a restraining order the victim must go to

court, which means taking time off from work. Often he or she fears that taking such time off will result in being laid off or some other form of discipline. Frequently that fear is realistic.

Senator Hilda Solis (D-El Monte) has introduced S.B. 56 to deal with the problem. This bill:

- Amends current law to specifically prohibitemployers from firing, discriminating, or retaliating against a crime victim who must take time off from work to testify, in a criminal court, against the perpetrator of the violence.
- Requires the employee to provide reasonable notice of the need to take time off, except when the health safety and welfare of the domestic abuse victim, or the victim's children, requires an unscheduled court appearance.
- Requires the victim to provide evidence of court appearance when notice has not been provided beforehand.



Hilda Solis

Help Secure Health Along the Border

by Marty Martinez

Assembly Bill 63 (Denise Ducheny, D-San Diego) aims to improve the health of persons living near the Mexican-Californian border and develop closer ties between health officials in California and Mexico.

The health of persons living near the Mexican— Californian border is in a crisis. Tuberculosis rates in southern California are the highest in the nation, with Mexican-born persons comprising 30 percent of those TB cases. Drug-resistant strains of the illness are also more likely to be found in Mexican-born persons. Rates of hepatitis A and gastrointestinal illness are also higher in this region than the rest of the nation, with Hispanics comprising a high share of the cases.

Complicating this regional health crisis is the fact that frequent travel across the border makes it harder to monitor and treat cases of infectious diseases. A.B. 63 would create an Office of Border Health, which would increase cooperation between Mexican and California/U.S. health authorities in tracking disease and monitoring the health of persons along the border region. It would also convene a task force of community stakeholders to help develop a strategic plan to address health concerns in the border region.

Please sign the letter urging support of A.B. 63.

- Does not require an employer to pay for time taken off, but does allow employees to use accrued vacation time, personal leave, or compensatory time off to receive pay for the time off.
- Allows an employee to sue an employer who violates her or his rights under the act and allows the employee to collect reasonable attorneys fees from the employer if the employee wins such a suit.

S.B. 56 is good legislation. It will be heard soon in the Senate Industrial relations committee. We urge you to write to a member of that committee expressing your support for the bill.

Legislative Surfing 101

Have you ever wondered who your legislators are? Have you ever wondered if good or bad legislation, on a subject that concerns you, has been introduced in Congress or the State Legislature? Are you concerned what progress that legislation is making? Would you like to keep track of the bills being introduced by legislators who oppose our communities' interests or by the good legislators who work for us? If you have access to the Internet and basic World Wide Web navigational skills, it is pretty easy to get all of the aboveinformation.

Here is how. Suppose you are interested in domestic partner benefits legislation and want to know what bills have been introduced on that subject. Tell your Web browser (either provided by an online company such as America Online or CompuServe, or by any other Internet service provider) to go to the following address:

http://www.sen.ca.gov

This will open the main Web site of the California State Senate, shown in Figure 1. Click on the word "Legislation" to go to the Legislation search page, where you

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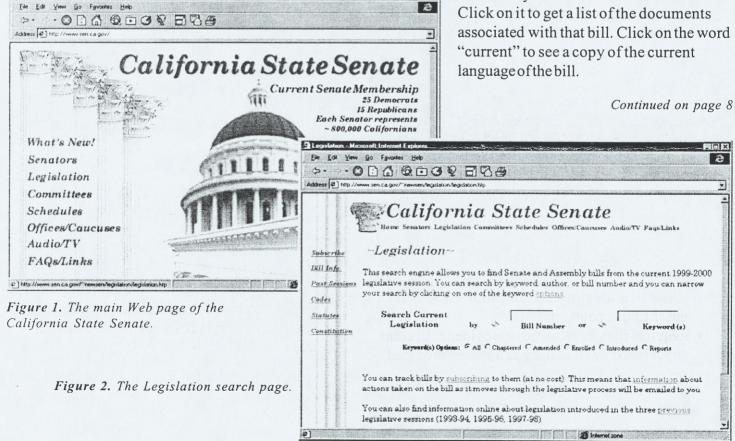
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can look up both Senate and Assembly bills. You will see two boxes on the page. One is titled "Bill Number" and the other is "Keyword(s)," as shown in Figure 2. Each of them has a shiny gold nugget next to it. Type "domestic partner" in the Keyword(s) box. Then click on the gold nugget near that box. You will get a list of bills that contain the words "domestic partner" in their titles or in the body of the bill. Click on one of those bills and you will get a list of the documents associated with that bill. Click on the word "current" in that list and you will see a copy of the current language of the bill.

Suppose you have heard of a state bill (such as in this newsletter) and want to see an actual copy of the bill. If you have the bill number, you can enter it in the Bill Number box and click on the gold nugget near that

> box. Next you will see the bill number. Click on it to get a list of the documents "current" to see a copy of the current language of the bill.



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February Legislative Update

A number of interesting bills have been introduced in the State Legislature already. The following is a description of some of those bills. You can be sure we will be responding to most of them during the year and we will keep you informed of their progress.

If you have Internet access, you can look at the full language of each of the bills. See the article "Legislative Surfing" on page 1 for instructions on doing so.

HIV/AIDS Issues

A.B. 16 (Mike Honda, D-San Jose)

Purpose: Under current law the state and counties split the costs of providing publicly funded in-home supportive services for aged blind and disabled persons. However, if the counties or agencies they contract with

to provide the services grant a pay raise to the workers providing the care, the counties must foot the whole cost of the raises. This bill changes the law to say that even these pay raises will be funded equally by the state and the counties.

Status: Introduced. No hearing date set yet.

LLP Position: Support.

A.B. 103 (Carole Migden, D–San Francisco)

Purpose: To require the State Department of Health Services to implementa unique identifier system

in order to conduct HIV surveillance and improve data collectionwhile maximizing confidentiality protections.

Status: Introduced. No hearing date set yet.

LLP Position: Support

MELINDA M. WHITEWAY Attorney and Counselor at Law 143 Sacramento Avenue Santa Cruz, CA 95060 Ph: 831/458-2545 Fax: 831/458-3516 Email: MELINDAMW@aol.com Internet: http://firms.findlaw.com/melindamw/

Lesbian/Gay/Bisexual/Transgendered Issues

A.B. 26 (Carole Migden, D-San Francisco)

Purpose: To define "domestic partners" and provide for the registration of domestic partnerships with the Secretary of State. The bill would also specify procedures for the termination of domestic partnerships.

Status: Introduced. No hearing date set yet.

LLP Position: Support.

A.B. 107 (Wally Knox, D-Los Angeles)

Purpose: To authorize the state and local governments to provide health care benefits to the domestic partners of their employees.

Status: Introduced. No hearing date set yet.

LLP Position: Support.

S.B. 75 (Kevin Murray, D-Los Angeles)

Purpose: To enact the Domestic Partnership Act of 1999, which would define "domestic partners" and provide for the registration of domestic partnerships with the Secretary of State. The bill would also specify procedures for the termination of domestic partnerships.

Status: Assigned to Senate Judiciary Committee. No hearing date set yet. LLP Position: Support.

S.B. 118 (Tom Hayden, D–Los Angeles)

Purpose: To require employers to grant family and medical leave to employees who need to care for their domestic partners.

Status: Assigned to Senate Industrial Relations Committee. No hearing date set yet.

LLP Position: Support.

People of Color Issues

A.B. 43 (Antonio Villaraigosa, D-Los Angeles)

Purpose: Existing law establishes the Healthy Families Program to arrange for the provision of health services to eligible children whose family income is less than 150 percent of the federal poverty guidelines. This bill would increase the limit to less than 250 percent of the federal poverty level and would provide that a child who is otherwise eligible for participation shall not be denied eligibility based on the child's date of entry into the United States.

Continued on page 7

February Legislative Update

Continued from page 6

Status: Referred to the Assembly Health Committee.

No hearing date set yet. **LLP Position:** Support.

S.B. 44 (Richard Polanco, D-Los Angeles)

Purpose: To require that the laws of California, including the restrictions on affirmative action, do not prevent governmental agencies from engaging in focused outreach and recruitment of minority groups and women if any group is under-represented in entry-level positions or in an educational institution.

Status: Assigned to Senate Judiciary Committee. No hearing date set yet.

LLP Position: Support.

S.B. 82 (John Vasconcellos, D-San Jose)

Purpose: To provide that any alien who is otherwise eligible for Medi-Cal services, but who does not meet specified requirements relating to residency status (undocumented alien), is eligible for medically necessary pregnancy-related services.

Status: Introduced. No hearing date set yet.

LLP Position: Support.

women with incomes at or below 200 percent of the federal poverty level, and to require the State Department of Health Services to administer the program only when the Legislature has appropriated funds for the program.

Status: Assigned to Assembly Health Committee. No hearing date set yet.

LLP Position: Support.

S.B. 56 (Hilda Solis, D–El Monte)

Purpose: To prohibit employers from punishing employees who take time off to testify in court in domestic abuse cases as long as prior to court appearances, employees give reasonable notice to the employer that he or she is required to appear in court to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of a domestic violence victim or his or her child.

Status: Assigned to Senate Industrial Relations Committee. No hearing date set yet.

LLP Position: Support.

S.B. 149 (Ray Haynes, R-Riverside)

Purpose: To set strict standards and restrictions on abortion providers.

Status: Introduced. No hearing date scheduled yet.

LLP Position: Watch.



S.B. 145 (Teresa Hughes, D-Inglewood)

Purpose: To strongly request the Regents of the University of California—and require the Board of Trustees of the California State University—to establish a pilot study that would create pools of talented students to which alternative admissions criteria may be applied, to admit students from these pools, and to monitor their academic success as compared to regularly admitted students.

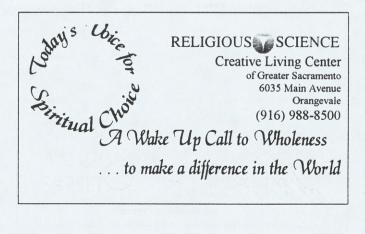
Status: Introduced. No hearing date set yet.

LLP Position: Support.

Women's Issues

A.B. 40 (Howard Wayne, D-San Diego)

Purpose: To establish the Breast Cancer Treatment Program for purposes of providing breast cancer



Legislative Surfing 101

Continued from page 5

Suppose you are worried about State Senator Pete Knight (R-Palmdale), who has introduced a number of anti-gay bills in the Legislature. You want to see a list of the bills he has introduced this year. Type "Knight" in the Keyword(s) box and click on the gold nugget near that box. This will give you a list of the bills introduced by Senator Knight, as shown in Figure 3.

You can also use this Web site to find out about specific senators.

Similar techniques can be used to access bills in the U.S. Congress. We'll tell you how in the next newsletter. In future articles we will also tell you how you can use the Internet to determine who your legislators are.

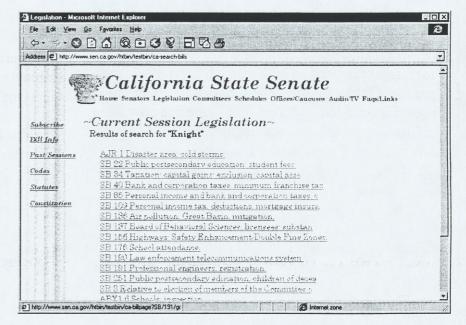


Figure 2. The Results page for "Knight."



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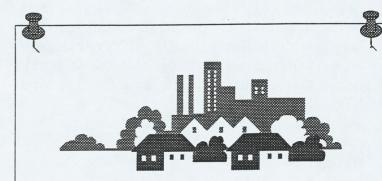
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Governor Asked to Restore Cuts

Continued from page 3

the number of people living with AIDS in California has increased by nearly 200 percent since 1993, most HIV programs have not received notable funding increases for many years, and all of them are flat-funded in the proposed budget. The availability of higher than expected federal funding for ADAP therefore provides a unique opportunity to use existing state funds to expand other critical HIV programs without increasing overall state funding.

Advocates have also warned the Davis Administration that the proposed decrease in state funding for HIV services would violate a federal maintenance of effort requirement contained in Title II of the Ryan White CARE Act. Under this requirement, in order to continue to be eligible for millions of dollars in federal Title II CARE funding, states must agree to maintain their HIV funding levels from year to year.

Advocates are hopeful that the proposed funding reduction represents an oversight on the part of the new Administration due to the limited amount of time that was available to develop the budget. Given California's long history of leadership on HIV/AIDS, advocates hope to work with the governor and state legislature to ensure that these funds are reallocated to other critical HIV/AIDS programs.

In addition to care and treatment services, advocates are also concerned that the proposed budget will flat-fund HIV prevention efforts, even though an estimated 8,000 Californians are newly infected with HIV disease each year. Increased funding for prevention would ensure that targeted, culturally appropriate programs are available to those groups most at risk for infection in California, including gay and bisexual men, communities of color, women, and youth.

Trans Progress in the Workforce

The number of employers that allow transsexual employees to transition to their new gender while on the job is small. However, an impressive list of companies is forming that will allow it. The following list was provided to us by Phyllis Frye, a transsexual attorney from Houston, Texas.

AT&T

American Airlines

Amoco

Apple Computer

Boeing

Central Intelligence Agency

Chase Bank

Continental Airlines

Digital Equipment Corporation

DuPont

Eastman Kodak

Equity Foundation

Exxon

Gateway Computers

Lucent Technology

M.W. Kellogg Company

Michigan State University

NCR

New York Times

Northwest Airlines

Quest Diagnostics

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Breast Cancer and the Department of Defense

Last month we asked you to write to the Postmaster General thanking the Post Office for introducing the breast cancer research stamp. In mid-January one of

our members called and said she had read that 30 percent of the funds raised by the stamp were being given to the Department of Defense (DOD) to conduct breast cancer research. She was concerned that this research was being put to military use and didn't want to sign the letter if that was the case.



We did a little research on the subject and discovered an interesting answer to her concern. It is true that 30 percent of the funds from the stamp are going to the DOD. However, they are not putting the funds to military use.

The use is indeed health-related. When mammograms are taken of a women's breast an image of the breast is created. The sharper and clearer those images are, the greater the chances that doctors will see cancerous tumors in their earliest stages of development. The new digital televisions coming out create a much clearer, sharper image than traditional television monitors. It was therefore decided to see whether digital imaging could be used in mammograms to take advantage of the better images created with that technology. The DOD was chosen to conduct this research because it has many years of experience with such digital imaging.

the news resource of the lesbian, gay, bisexual, and transgender community

OUTWORD newsmagazine

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Medicare Announces a Novel Idea

Can you answer this question? Who is more expensive to provide health care to, a sick person or one who is healthy? Time's up. The correct answer is this: it is more expensive to provide health care to a sick person.

Yet under the federal Medicare program, private health plans have been receiving the same reimbursement from Medicare for providing health care to sick people as they do for covering healthy people. Naturally these private health plans have tended to enroll as many healthy people, and as few sick people, as they can. This practice is called "creaming."

Medicare officials have decided to try a novel approach to attack the problem of creaming by private health programs. They have announced that they will soon begin paying more to health care providers for their sick enrollees than for their healthy ones. The change will be put into effect gradually over five years, beginning January 1, 2000. Medicare officials said they would make the change administratively, using the authority they received from Congress in 1997.

Medicare finances health care for people who are elderly or disabled. Six million of its 39 million beneficiaries are in HMOs and 69,000 to 70,000 are enrolled in HMOs every month. Thus the change in Medicare policy will have an immense effect.

A Correction

In last month's newsletter we reported that cross-dressing is still illegal in San Diego. We are happy to report that we were wrong. Actually, the San Diego law was overturned on August 3, 1998 by a vote of



George Stevens

7–1. Councilmember George Stevens was the only one to vote against the change. The mayor of San Diego left the room during the vote.

Trans Action, a trans activist group in San Diego, and their supporters are to be congratulated for a job well done.

KEN PRAG

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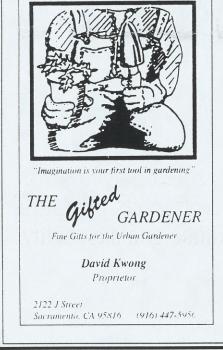
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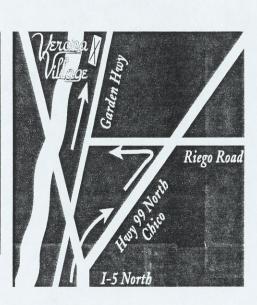
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> Quote from the letter by U.S. Rep. Gerry Studds and 39 members of Congress to President Bush

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